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ELLWANGEN/JAGST, GERMANY

In re Application of	:	
Georg Mermighidis	:	
U.S. Application No. 09/806,346	:	
PCT No.: PCT/DE00/02723	:	
Int. Filing Date: 05 August 2000	:	
Priority Date: 11 August 1999	:	
For: ELECTRODE AND	:	WITHDRAWAL OF THE
PHOTOELECTROCHEMICAL CELL WITH	:	NOTIFICATION OF
FOUR LAYERS, METHOD FOR PRODUCING	:	ABANDONMENT
A PRINTABLE PASTE CONTAINING AN	:	
ELECTROLYTE AND/OR CARBON, AND	:	
ELECTRODE	:	

This decision is responsive to the communication filed in the PCT Legal Office on 25 July 2001, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

### **BACKGROUND**

On 05 August 2000, applicants filed international application PCT/DE00/02723, which claimed priority of an earlier German application filed 11 August 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 February 2001. The twenty month time period for paying the basic national fee and providing a copy of the International Application, in accordance with 37 C.F.R. 1.494(b), expired at midnight on 11 April 2001.

On 29 March 2001, applicants filed a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE CONCERNING A FILING UNDER 35 U.S.C. 371 accompanied by a translation of the international application as required by 35 U.S.C. 371(c)(2). Although noted as enclosed, neither a check for the basic national fee as required by 35 U.S.C. 371(c)(1) nor an oath or declaration as required by 35 U.S.C. 371(c)(4) were filed with the transmittal.

A NOTICE OF ABANDONMENT for failure to provide the U.S. Basic National Fee by 20 months was mailed on 22 May 2001.

In response, on 25 July 2001, applicant filed the instant "petition," maintaining that the basic national fee was timely filed.

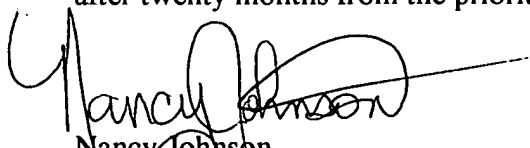
### DISCUSSION


A review of Office records reveals that the basic national fee was paid on 04 April 2001. However, the payment was not credited in the records of the Office to the national stage entry of the application. Office finance records have been updated, and the financial record of the national stage application now reflects a payment of \$430.00 for the basic national fee made on 04 April 2001.

### CONCLUSION

For the above reasons, the petition under 37 C.F.R. §1.181 is **GRANTED**. The NOTIFICATION OF ABANDONMENT mailed 22 May 2001 is hereby **VACATED**.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further review and processing in accordance with this decision, including issuing a NOTIFICATION OF MISSING REQUIREMENTS (FORM PCT/DO/EO 905), requiring submission of an oath or declaration and the surcharge for filing the oath or declaration after twenty months from the priority date as required by 37 C.F.R. §1.492(e).

  
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